

ENFORCEMENT REPORT TO THE COMMISSION FOR FEBRUARY 1995

April 26, 1995

DOCKET NO. 95-0585-RPT

| PROGRAMS | FORMAL ACTIONS INITIATED BY EDR/PETITION, DRAFT ORDER FOR EXPEDITED CASES, OR NOTICE LETTER OF FORMAL ADMIN. PENALTY ACTION | | AGREED ORDERS ADOPTED BY THE COMMISSION (MULTI-MEDIA CASES ARE REPORTED BY THE LEAD DIVISION) | | FISCAL YEAR 1995 YEAR-TO-DATE TOTAL ADMINISTRATIVE PENALTIES ASSESSED, DEFERRED, TOTAL PENALTY DUE GENERAL REVENUE OR DEDICATED FUNDS, AND DOLLAR AMOUNT WHICH WILL BE SPENT ON SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) IN ORDERS ISSUED BY THE TNRC (MULTI-MEDIA CASES ARE REPORTED BY THE LEAD DIVISION) | | | |
|-----------------------------------|---|-----|---|-----|--|----------------|--|--------------|
| | Month | FY | Month | FY | ASSESSED | DEFERRED | TOTAL PENALTY DUE GENERAL REVENUE OR DEDICATED FUNDS ¹ | SEPs |
| AGRICULTURE | 1 | 4 | 1 | 4 | \$29,236.00 | \$10,100.00 | \$19,536.00 | \$0.00 |
| AIR | 10 | 80 | 0 | 111 | \$1,057,975.00 | \$30,720.00 | \$1,027,255.00 | \$122,880.00 |
| INDUSTRIAL AND HAZARDOUS WASTE | 5 | 27 | 1 | 32 | \$1,702,193.00 | \$1,239,484.00 | \$462,709.00 | \$0.00 |
| MUNICIPAL SOLID WASTE | 0 | 11 | 3 | 9 | \$104,524.00 | \$18,600.00 | \$81,320.00 | \$9,200.00 |
| OCCUPATIONAL CERTIFICATION | 0 | 19 | 8 | 14 | \$25,250.00 | \$2,000.00 | \$23,250.00 | \$0.00 |
| PETROLEUM STORAGE TANKS | 5 | 25 | 3 | 103 | \$228,130.73 | \$3,300.00 | \$224,830.73 | \$0.00 |
| WATERSHED MANAGEMENT | 5 | 51 | 8 | 55 | \$388,440.00 | \$89,880.00 | \$298,560.00 | \$12,000.00 |
| WATER UTILITIES | 2 | 15 | 3 | 30 | \$14,090.00 | \$0.00 | \$14,090.00 | \$0.00 |
| TOTALS | 28 | 232 | 27 | 358 | \$3,549,838.73 | \$1,394,084.00 | \$2,151,550.73 | \$144,080.00 |

¹ All penalties collected are paid into the State's General Revenue Fund with the exception of water well driller orders which are paid into the Water Well Driller's Fund.

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| PROGRAMS | NOTICES OF VIOLATION (NOVS) ISSUED BY CENTRAL OFFICE | | NOVS ISSUED BY FIELD OPERATIONS | | CASES RESOLVED INFORMALLY - COMPLIANCE ACHIEVED THRU CENTRAL OFFICE ACTION WITHOUT ISSUANCE OF AN AGENCY ORDER | | CASES BEING DEVELOPED IN ENFORCEMENT PROGRAMS ² | CASES BEING TRACKED FOR COMPLIANCE ³ |
|-----------------------------------|--|-----|------------------------------------|-----|---|----|---|---|
| | Month | FY | Month | FY | Month | FY | Total | Total |
| AGRICULTURE | 30 | 98 | 0 | 5 | 0 | 1 | 4 | 19 |
| AIR | N/A ⁴ | N/A | 177 | 873 | 0 | 22 | 443 | 937 |
| INDUSTRIAL AND HAZARDOUS WASTE | 8 | 32 | 26 | 115 | 4 | 33 | 431 | 298 |
| MUNICIPAL SOLID WASTE | 0 | 40 | 75 | 379 | 1 | 12 | 14 | 159 |
| OCCUPATIONAL CERTIFICATION | 5 | 45 | N/A | N/A | 0 | 11 | 1 | 1 |
| PETROLEUM STORAGE TANKS | 34 | 126 | 85 | 403 | 0 | 24 | 302 | 168 |
| WATERSHED MANAGEMENT | 4 | 34 | 20 | 364 | 23 | 74 | 278 | 248 |

² Cases which the enforcement programs in Central Office are working on in which agency action has not been filed yet. Agency action includes, orders issued, NOVs for those cases in which a formal action is not being pursued, corrective action directives, bilateral compliance agreements, or any other action which directs a facility to take action to achieve compliance within a specified period of time.

³ Includes all cases which the enforcement programs are tracking for compliance once an agency action (as defined in footnote 2) is finalized.

⁴ N/A = Not Applicable.

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| | | | | | | | | |
|------------------------|-----|-------|-----|-------|----|-----|-------|-------|
| WATER UTILITIES | 425 | 2550 | N/A | N/A | 5 | 36 | 356 | 175 |
| TOTALS | 506 | 2,925 | 383 | 2,139 | 33 | 213 | 1,829 | 2,005 |

| PROGRAMS | PENDING FORMAL ENFORCEMENT ACTIONS FOR ADMINISTRATIVE ORDERS TO BE ISSUED BY THE TNRCC | | CASES PENDING AT THE OFFICE OF THE ATTORNEY GENERAL ⁵ | ATTORNEY GENERAL CASES RESULTING IN JUDGMENTS ⁶ | | CASES REFERRED FROM THE REGIONAL OFFICES OR CENTRAL OFFICE FOR ENFORCEMENT ACTION BY CENTRAL OFFICE STAFF | |
|--------------------------------|--|---------|--|--|----|---|-----|
| | Total | Backlog | Total | Month | FY | Month | FY |
| AGRICULTURE | 6 | 2 | 2 | 0 | 0 | 0 | 4 |
| AIR | 443 | 155 | 50 | 0 | 2 | 17 | 90 |
| INDUSTRIAL AND HAZARDOUS WASTE | 120 | 62 | 79 | 2 | 4 | 4 | 50 |
| MUNICIPAL SOLID WASTE | 30 | 4 | 42 | 0 | 3 | 0 | 38 |
| OCCUPATIONAL CERTIFICATION | 69 | 50 | 14 | 1 | 1 | 0 | 0 |
| PETROLEUM STORAGE TANKS | 353 | 161 | 6 | 0 | 0 | 32 | 128 |
| WATERSHED MANAGEMENT | 87 | 10 | 16 | 0 | 0 | 17 | 100 |
| WATER UTILITIES | 99 | 36 | 172 | 1 | 12 | 110 | 256 |

⁵ AG actions typically take from 6 months to 5 years from the date of referral to final judgment.

⁶ These numbers are obtained from the Attorney General's Office

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| | | | | | | | |
|--------|------|-----|-----|---|----|-----|-----|
| TOTALS | 1207 | 480 | 381 | 4 | 22 | 180 | 666 |
|--------|------|-----|-----|---|----|-----|-----|